

REMARKS

This paper is presented in response to the non-final official action dated September 2, 2009, wherein (a) claims 1-3, 7, 10, and 11 were pending, and (b) claims 1-3, 7, 10, and 11 were rejected as being obvious over Patel (WO/00161200) in view of. Kirckof (US 6,488,890).

By the foregoing, new claim 12 has been added; support is found at page 10, lines 1 and 2 of the specification.

This paper is timely filed, as it is accompanied by a petition for automatic extension of time to file in the first month, and the requisite fee.

Claims 1-3, 7, and 10-12 are pending and at issue; claims 1 and 10 are the only independent claims.

The obviousness rejection of the claims is respectfully but strongly traversed; reconsideration is requested.

Firstly, the action recognizes that Patel is silent with respect to the incorporation of a polyvalent alcohol in the claimed indicator. However, the action's position is that Patel teaches "alcohols" as being suitable additives to aqueous ink compositions.

The "alcohol" identified on page 16, lines 1 and 2 of Patel is an additive for a polymer that corresponds to a binder of the present invention. The binder is generally used for achieving ink stability, desired physical properties of coated film, and heat resistance during drying.

The polymer of Patel described at page 15, line 5 to page 16, line 6 is a conventional polymer, which is commercially available. Therefore, a wide variety of organic and inorganic polymer materials can be used and selected depending on the printing method using the ink formulation, coating apparatus, and the like as described in the noted passage of Patel.

Discoloration speed of the indicator changes depending on the polymer materials, as described on page 16, lines 24-30 of Patel. However, incorporation of an "alcohol" is not described at all in the noted paragraph. Thus, the "alcohol" cited in the action is not for controlling discoloration speed of the indicator. Therefore, the "alcohol" does not teach a polyvalent alcohol (C) of the present claims.

Secondly, the action's position is that Patel teaches the ink as being "solvent based."

The fact that an ink is "solvent-based" generally means that a solvent is required in dilution of the ink.

As a solvent for a solvent-based ink, a monovalent alcohol is usually used and a polyvalent alcohol is not used for the ink, since it is important to pay attention not only to solubility of components of the ink, but also to drying efficiency, and polyvalent alcohols are not easily dried in comparison to monovalent alcohols.

Even if a polyvalent alcohol would be used in a solvent-based ink, ignoring the drying efficiency, the polyvalent alcohol would not be present in the dried ink composition after the ink has been dried. Therefore, the polyvalent alcohol would not work in discoloration of the indicator in executing plasma-sterilization process.

Thirdly, the action's position is that Kirckof teaches a plasma-sterilization composition including dye(s), water, and glycol solvents. If the glycol solvents would correspond to a polyvalent alcohol of the present invention, the composition of Kirckof would not comprise an activator reacting with the dye(s) and causing discoloration of the indicator.

In contrast, Patel's activator includes alcohols as described on page 12, line 19 of the specification. Therefore, Kirckof's glycol solvent is an activator of Patel, and is not for a polyvalent alcohol of the present invention.

Further, the content of Kirckof's glycol solvent is 20% by weight as shown in Tables 7a and 7b of Kirckof. In contrast, the preferred content of the polyvalent alcohol of the present invention is no more than 10.0% by weight (see claim 12 and the first paragraph on page 10 of the present specification).

Therefore, it is also clearly understood that Kirckof's glycol solvent is an activator of Patel, and does not correspond to a polyvalent alcohol of the present invention:

Thus, neither Patel nor Kirckof teaches a polyvalent alcohol of the present invention. Therefore, if the teachings of Patel in view of Kirckof are considered, the activator of Patel for an ink would be replaced only with glycol(s) and a composition

of the present invention, which includes both an organic metal compound (B) and a polyvalent alcohol (C), would not be achieved.

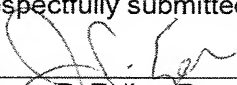
Therefore, the present invention is not obvious over the disclosure of Patel taken in view of Kirckof.

For the foregoing reasons, all claims of the present application are of proper form and scope for allowance, and such action is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, she is urged to telephone the undersigned at the indicated number.

December 21, 2009

Respectfully submitted,

By 
James P. Zeller, Reg. No. 28,491
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant